THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.35633 of 1997

ORAL ORDER:

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This writ petition is filed seeking a Mandamus directing the respondents to pay a sum of Rs.20,54,000/- towards total compensation in favour of petitioners in respect of death of Gangapuram Eshwaraiah due to electrocution.

It appears, husband of first petitioner and father of petitioners 2 to 4 and son of fifth petitioner died on 18.2.1997 due to electrocution while he was in his agricultural fields. Therefore, petitioners made representation to the respondents for payment of compensation. Since there was no response, the present writ petition is filed.

According to the petitioners, late Gangapuram Eshwaraiah was aged about 30 years. He was doing agriculture and also toddy business under a valid licence issued by the Excise Department dated 4.10.1996 which was valid upto 2001 and getting an average income of Rs.12,000/- per month.

The respondents filed a detailed counter. The incident of electrocution on 18.2.1997 and the death of Gangauram Eshwaraiah due to electrocution is not denied. It is stated that Gangapuram Eshwaraiah noticed burning of grass and wanted to extinguish the fire with a bucket full of water and in the process, he got electrocuted and died. Since the deceased himself is responsible for his death in touching the live wire without noticing it, payment of compensation to his legal heirs does not arise. Except this, no negligence has been attributed to the deceased. On the other hand, it is stated that without noticing the live wire, the deceased touched the same. This itself shows that absolutely there was no negligence on the part of the deceased. The breakage of high-tension wire cannot be attributed to the deceased nor the deceased is supposed to know that a live wire is lying in his agricultural fields. Therefore, it must be construed that the Respondent Board is responsible for death of the deceased due to electrocution. Under such circumstances, the respondents cannot escape from the liability of paying

compensation.

In a case of this nature, it requires evidence to find out as to what was the exact earnings of the deceased and to what compensation the petitioners are entitled. It is more than a decade since the writ petition is filed, therefore, it is desirable to give a quietus to the litigation at this stage. Though the petitioners claim a sum of Rs.12,000/- per month, no details as to the income of the deceased have been furnished.

Under those circumstances, to meet the ends of justice, the earnings of the deceased can be easily assessed at Rs.1,000/- per month. If multiplier 17 as per II Schedule of Motor Vehicles Act is applied, the total loss of earnings of the deceased comes to Rs.2,04,000/-. Apart from this, the petitioners are also entitled to loss of love and affection in a sum of Rs.26,000/-. Thus, in all the petitioners are entitled to a sum of Rs.2,30,000/- along with interest @ 9% per annum from the date of incident till the date of realization. The respondents are directed to pay the said amount as compensation to the petitioners within a period of (8) weeks from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. No order as to costs.

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C.V.RAMULU, J

Date: 21.3.2007

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W.P.No.35633 of 1997

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IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.35633 of 1997

Date: 21st March, 2007

Between:

Gangapuram Amruthamma & others.

.. Petitioners

And

The Andhra Pradesh State Electricity Board,
Vidyut Soudha, Khairtrabad, Hyderabad & others.

.. Respondents